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Security Council Committee established pursuant to resolution 1267 (1999)

Note verbale dated 17 July 2003 from the Permanent Mission of Lebanon to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Lebanon to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) and in reference to his note No. SCA/2/03 (03) dated 4 March 2003, has the honour to submit the report prepared by the Government of Lebanon pursuant to resolution 1455 (2003).

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I. Introduction

1. **Please provide a description of activities, if any, by Usama Bin Laden, Al-Qaida, the Taliban and their associates in your country, the threat they pose to the country and the region, as well as any likely trends.**

Response:

It has not been definitively established that Usama Bin Laden, Al-Qaida, the Taliban and their associates have conducted criminal activities on Lebanese territory. Most members of the group involved in the Danayah incidents and the military operations undertaken by an armed fundamentalist group at the close of 1999 were arrested. In September 2002, the Lebanese authorities arrested a group of persons of Lebanese and various other nationalities who were suspected of attempting to form an Al-Qaida cell in Lebanon with the aim of carrying out operations incompatible with security. They were arrested while such operations were still in the planning stage. Once they had been interrogated, they were committed for trial to a special military court. They are still awaiting the outcome of the judicial proceedings and the appropriate legal judgement. This case will be more fully addressed in our response to question 5.

A new group was also uncovered which carried out activities in various parts of Lebanon that were directed against institutions bearing the commercial names or titles of American companies. Terrorist explosions were triggered with the aim of creating a state of panic during the most recent war against Iraq. Group members were arrested and interrogated by the security apparatus under the supervision of the office of the public prosecutor before being transferred to the preliminary military investigating judge. To date, the investigation continues.

In the Ain al-Hilwa refugee camp, there is a Palestinian organization called Usbat al-Ansar that supports the ideas and orientations of Usama Bin Laden.

At the financial level, there is no evidence of any bank accounts in Lebanon that are directly or otherwise linked to persons or entities that are related to Usama Bin Laden, Al-Qaida or the Taliban and their associates.

II. Consolidated list

2. **How has the 1267 Committee's list been incorporated within your legal system and your administrative structure, including financial supervision, police, immigration control, customs and consular authorities?**

Response:

Pursuant to the instructions of the office of public prosecutor, the competent security apparatus adopted the necessary legal procedures in respect of the persons whose names are included in the above-mentioned consolidated list and for whom international arrest warrants have been put out by Interpol. With regard to other persons, whose crimes and full identity have not been revealed, no legal measures can be taken against them, in accordance with the code of criminal procedure that is applied, until such time as their proper identity is known, together with the criminal acts attributed to them.

The Counter-Terrorism and Serious Crimes Office, in its report No. 138/302 of 17 February 2003, which was arranged on the instructions and under the supervision of the office of the public prosecutor, published, with the approval of that Office, the names of persons on the consolidated list for whom files had been opened and arrest warrants issued. The aforementioned Office relied on the records of the Office of Documents and Archives within the Directorate-General of the Internal Security Forces (a copy of the original report is attached). The arrest and investigation warrants were circulated to all police forces and the Directorate-General of Public Security.

Names from the 1267 Committee's list have also been circulated to border posts, in order to ensure that such persons are arrested when they cross those borders and that the necessary measures are taken, in accordance with the customary principles and laws.

At the financial level, immediately upon receipt of the 1267 Committee's list, the secretariat of the special investigative body established pursuant to law No. 318/2001, article 6, that is presided over by the Governor of the Central Bank, entered the names on the list into its database and circulated them in writing to all banks and financial institutions operating in Lebanon. Those institutions shall inform the investigative body forthwith as to whether or not any accounts are held with them that are directly or indirectly related to the names on the list, and freeze any such accounts as exist. The outcome of responses will be communicated to the Ministry of Foreign Affairs and Emigrants for consideration by the competent authority within the United Nations.

3. Have you encountered any problems with implementation with regard to the names and identifying information as currently included in the list? If so, please describe these problems.

Response:

In accordance with the Lebanese law in force, no warrant may be issued in respect of a person unless the office of the public prosecutor is in possession of his complete particulars, including the full name, mother's name, date of birth, place of residence and the crimes of which he is suspected. Most of the names on the list lack some of the basic information that is required if a warrant for them is to be circulated and lead to their arrest. To date, therefore, it has not been possible to take any such procedures with respect to those individuals.

As indicated, there are certain problems with implementation, with respect to the names and information that make it possible to identify the persons or entities that currently feature in the list: incomplete data is given as to the identity of those persons and the crimes of which they are suspected.

At the financial level, the special investigative body has no implementation problems with respect to the names and information that is provided for the identification of individuals or entities as they appear on the list, as they relate to the freezing of the bank accounts of those concerned.

4. Have your authorities identified inside your territory any designated individuals or entities? If so, please outline the actions that have been taken.

Response:

None of the individuals whose names appear on the lists has been identified inside Lebanese territory. Similarly, according to the Directorate-General of Public Security, none of those named on the list has to date been identified as having entered Lebanese territory.

With respect to entities, according to the records of the Office of Documents and Archives within the Directorate-General of the Internal Security Forces, they undertake no activities on Lebanese territory.

Usbat al-Ansar, which features on the list, is a terrorist cell with no more than 200 members that has, since its inception, undertaken a number of terrorist and criminal activities inside Lebanon. The group is outlawed and all its members have been pursued by the Lebanese security and justice authorities. It exists only in the Ain al-Hilwa Palestinian refugee camp in Sidon, southern Lebanon, and while most of its members are Palestinian citizens, some are Lebanese. The movements of group members are restricted to within Ain al-Hilwa camp. Recently, their terrorist operations have sharply decreased and their movements and activities have been noticeably circumscribed as a result of the heightened security restrictions that have been imposed around the camp by the Lebanese security apparatus, in addition to the increased surveillance and pursuit of the elements of this group.

At the financial level, the banks and financial institutions operating in Lebanon have identified no accounts directly or indirectly linked to the names on the list.

5. **Please submit to the Committee, to the extent possible, the names of individuals or entities associated with Usama Bin Laden or members of the Taliban or Al-Qaida that have not been included in the list, unless to do so would compromise investigations or enforcement actions.**

Response:

Our security records do not include the names of any individuals or entities associated with Usama Bin Laden or members of the Taliban or Al-Qaida that have not been included in the list. However, it should be made clear that recently, an attempt to establish and organize in Lebanon a cell belonging to the Al-Qaida organization was foiled. That cell was to provide a safe house and a centre for launching cell activities in Lebanon, once certain elements from various countries had been infiltrated into and concealed in Lebanon in preparation for undertaking terrorist activities. Events occurred as set forth below:

(a) In October 2002, the relevant Lebanese security apparatus apprehended a group of persons, of a variety of nationalities, who included the following:

(i) Muhammad Ramiz Sultan, mother Haifa, born in Tripoli in 1961, Lebanese national with Australian passport;

(ii) Khalid Omar Minawi, mother Fahda, born in Tripoli in 1984, Lebanese national;

(iii) Ihab Hussayn Dafa', mother Aalia, born in 1972, Saudi national;

(b) On 22 October 2002, the military examining magistrate issued an indictment of those persons, other fugitives from justice, namely, Abdulla Muhammad Al-Mahdi, mother Nadia, born in 1976 in Akkar, Lebanese national;

Mevlet Zia Kar, mother Hacer Acar, born in 1978, Turkish national; and Ahmad Salim Al-Miqati, mother A'zaz, born 1968 in Tripoli, Lebanese national, and other persons on whom the data is incomplete. All the foregoing were accused of involvement in the establishment of a terrorist organization, with the aim of committing crimes against persons, undermining the authority and dignity of the State, perpetrating terrorist acts and forging passports, all of which acts are considered crimes that are proscribed in articles 335, 463 and 454/463 of the Penal Code; articles 5 and 6 of the Terrorism Act that was promulgated on 11 January 1958; and article 72 of the Weapons Act. The case was referred for judgement to the Permanent Military Court in Beirut. A ruling remains pending.

In the course of the investigations that were conducted during that case, it appeared that the accused were planning to establish an Al-Qaida cell in Lebanon, train groups for that purpose and collect contributions on its behalf. We attach hereto a copy of the aforementioned indictment.

(c) In April 2003, a group of Lebanese and Palestinian nationals were arrested on suspicion of involvement in the formation of a terrorist group with a view to carrying out crimes against persons and property, and of causing explosions at McDonalds, Pizza Hut, Waves and KFC restaurants and at Spinney's supermarkets in various parts of Lebanon, with the aim of causing fatalities. A number of persons were injured and serious material damage was sustained by the aforementioned restaurants and supermarkets. They were indicted and referred to the relevant military court to be charged with the crimes proscribed in articles 5 and 6 of the Terrorism Act that was promulgated on 11 January 1958; articles 201/549, 217, 314, 335, 463 and 454/463 of the Penal Code; and articles 72, 75 and 78/24 of the Weapons Act. Because of the need to guarantee the secrecy of the ongoing investigation, it is not currently possible to make public the names of the persons involved.

It would appear from the preliminary investigations that this group called itself Al-Furqan, Lebanon corps. It follows the doctrine of *salafiyah* (modern radical Islamism) that is ideologically linked to Al-Qaida and the Abu Mahjin group in Ain al-Hilwa camp, which provides Al-Furqan with refuges and financial assistance. The attacks against the above-mentioned places were carried out with the aim of striking at American interests, in accordance with the call by Usama Bin Laden.

6. Have any listed individuals or entities brought a lawsuit or engaged in legal proceedings against your authorities for inclusion in the list? Please specify and elaborate, as appropriate.

Response:

No lawsuits have been brought on the issue referred to in the question. It should be noted, however, that the relevant security and judicial authorities do not circulate the names that appear on the consolidated list to the public, and that files and warrants regarding particular persons are kept in the official judicial and security archives. The contents of those archives are only made public when a wanted person is arrested.

7. **Have you identified any of the listed individuals as nationals or residents of your country? Do your authorities have any relevant information about them not already included in the list? If so, please provide this information to the Committee as well as similar information on listed entities, as available.**

Response:

The persons whose names appear on the consolidated list, for whom international or local warrants have been issued as detailed in our response to question No. 2, are in no case Lebanese nationals, nor does it appear from the records of the Directorate-General of Public Security that any of them have entered Lebanese territory or taken up residence therein. The only information in the possession of the security and judicial authorities is that which appears in the Counter-Terrorism and Serious Crimes Office report No. 138/302 of 17 February 2003 and its annexes. This contains information issued by the Office of Documents and Archives within the Directorate-General of the Internal Security Forces, as stated in our response to question No. 2.

8. **According to your national legislation, if any, please describe any measures you have taken to prevent entities and individuals from recruiting or supporting Al-Qaida members in carrying out activities inside your country, and to prevent individuals from participating in Al-Qaida training camps established in your territory or in another country.**

Response:

No Al-Qaida training camps exist in Lebanon or in Ain al-Hilwa camp. Our national legislation provides for the pursuit and arrest of accessories to terrorist acts, the waiving of banking confidentiality with respect to their bank accounts and the freezing of their assets if those assets have been used to finance terrorist acts. Land, sea and air borders are all kept under close surveillance by the security departments in our country, with a view to apprehending any persons attempting to enter the country who are suspected of being linked to Al-Qaida or the Taliban.

III. Financial and economic assets freeze

9. **Please describe briefly:**

- the domestic legal basis to implement the asset freeze required by the resolutions above;
- any impediments under your domestic law in this context and steps taken to address them.

Response:

This question has already been answered, as set forth below:

(a) In our second report, dated 21 June 2002, to the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism (S/2002/728), under the response to the question pertaining to resolution 1373 (2001), operative paragraph 1, subparagraph (c), namely, "What legislation and procedures exist for freezing accounts and assets at banks and financial institutions?"

(b) In the report submitted on 17 June 2002 to the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Afghanistan (S/AC.37/2002/65) in response to the Chairman's note dated 7 March 2002 (SCA/2/02(3)). The pertinent part of that report, which deals with resolution 1390 (2002), paragraphs 2 (a), (b) and (c) and 8, is the response to the request for information on legislative and administrative measures taken in order to freeze the funds and other financial assets or economic resources of the individuals, groups and entities to which reference is made in the list mentioned in paragraph 2 of resolution 1390 (2002).

10. **Please describe any structures or mechanisms in place within your Government to identify and investigate Usama Bin Laden, Al-Qaida or Taliban-related financial networks, or those who provide support to them or individuals, groups, undertakings and entities associated with them within your jurisdiction. Please indicate, as appropriate, how your efforts are coordinated nationally, regionally and/or internationally.**

Response:

This question has already been answered in our second report, dated 21 June 2002, to the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism (S/2002/728), under the response to the question pertaining to resolution 1373 (2001), operative paragraph 1, subparagraph (d), namely, how entities ensure that funds received by associations are not diverted from their stated purposes to terrorist activities.

11. **Please convey the steps banks and/or other financial institutions are required to take to locate and identify assets attributable to, or for the benefit of, Usama Bin Laden or members of Al-Qaida or the Taliban, or associated entities or individuals. Please describe any "due diligence" or "know your customer" requirements. Please indicate how these requirements are enforced, including the names and activities of agencies responsible for oversight.**

Response:

This question has already been answered in our second report, dated 21 June 2002, to the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism (S/2002/728), under the response to question 3 regarding subparagraph 1 (a) of that resolution, relating to activities that represent logical grounds for suspicion in accordance with the legislation and practice in Lebanon and methods of dealing with such activities.

12. **Resolution 1455 (2003) calls on Member States to provide "a comprehensive summary of frozen assets of listed individuals and entities". Please provide a list of the assets that have been frozen in accordance with this resolution. This list should also include assets frozen pursuant to resolutions 1267 (1999), 1333 (2000) and 1390 (2002). Please include, to the extent possible, in each listing the following information:**

- identification(s) of the person or entities whose assets have been frozen;

- a description of the nature of the assets frozen (i.e., bank deposits, securities, business assets, precious commodities, works of art, real estate property, and other assets);
- the value of assets frozen.

Response:

There are no bank accounts in Lebanon directly or indirectly pertaining to individuals or entities included on the list. Therefore, no accounts have been frozen.

13. Please indicate whether you have released pursuant to resolution 1452 (2002) any funds, financial assets or economic assets that had previously been frozen as being related to Usama Bin Laden or members of the Al-Qaida or the Taliban or associated individuals or entities. If so, please provide reasons, amounts unfrozen or released and dates.

Response:

Because no accounts of this nature exist, no bank accounts that had previously been frozen have been unfrozen pursuant to resolution 1452 (2002).

14. Pursuant to resolutions 1455 (2003), 1390 (2002), 1333 (2000) and 1267 (1999) States are to ensure that no funds, financial assets or economic resources are made available, directly or indirectly, to listed individuals or entities or for their benefit, by nationals or by any persons within their territory. Please indicate the domestic legal basis, including a brief description of laws, regulations and/or procedures in place in your country to control the movements of such funds or assets to designated individuals and entities. This section should include a description of:

- The methodology, if any, used to inform banks and other financial institutions of the restrictions placed upon individuals or entities listed by the Committee, or who have otherwise been identified as members or associates of Al-Qaida or the Taliban. This section should include an indication of the types of institutions informed and the methods used.
- Required bank-reporting procedures, if any, including the use of Suspicious Transaction Reports (STR), and how such reports are reviewed and evaluated.
- Requirements, if any, placed on financial institutions other than banks to provide STR, and how such reports are reviewed and evaluated.
- Restrictions or regulations, if any, placed on the movement of precious commodities such as gold, diamonds and other related items.
- Restrictions or regulations, if any, applicable to alternate remittance systems such as — or similar to — "hawala", as well as on charities, cultural and other non-profit organizations engaged in the collection and disbursement of funds for social or charitable purposes.

Response:

Some parts of this question were answered in the third report submitted to the Security Council Committee established pursuant to resolution 1373 (2001), which was sent to New York on 31 March 2003, under the responses to question 1-2

relating to paragraph 1 (b) of resolution 1373 (2001); questions 1-3 and 1-5 relating to paragraph 1 and, in particular, 1 (d) of the resolution.

In addition to the foregoing, the special investigative body established pursuant to law No. 318/2001, article 6, periodically directs its secretary to circulate to banks and financial institutions operating in Lebanon hard copies of all directives it receives from the United Nations pursuant to resolutions 1267 (1999) and 1333 (2000), together with the names of persons and entities which other sources have indicated are members or associates of Al-Qaida or the Taliban. The banks and financial institutions are requested to provide written notification as to whether they administer any accounts that are directly or indirectly related to such persons or entities. The body's investigators will scrutinize any such bank accounts and prepare a report thereon for submission to the body, which will then decide to waive banking confidentiality with respect to those accounts and freeze them forthwith. It will also, through the Ministry of Foreign Affairs and Emigrants, notify the relevant foreign and domestic parties and, in particular, the 1267 Committee.

Article 7 of the above-mentioned law No. 318/2001, made it incumbent upon all the institutions under its jurisdiction, namely, those governed by the banking confidentiality law (banks and financial institutions) and those not so governed (exchange and brokerage institutions, investment companies, joint venture companies, insurance companies, property development companies and traders in such valuable commodities as jewellery, precious gems, gold, objets d'art and ancient artefacts) to provide notification of any accounts or banking operations pertaining directly or indirectly to the persons or entities referred to above.

The laws and regulations in force in Lebanon control currency exchange operations, which may only be effected through banks and institutions that have been previously licensed for that purpose by the Central Bank, which has the discretionary authority to grant or refuse such licences, as it sees in the best public interest.

The following legal and regulatory texts govern the granting by the Central Bank of licences to currency exchange institutions:

(a) Articles 128, 131, 179 and 181 of the money and credit act;

(b) Article 4 of law No. 234 dated 10 June 2000 regulating the financial brokerage profession;

(c) Article 1 of law No. 347 dated 6 August 2001 regulating money exchange in Lebanon;

(d) Article 1 of law No. 520 dated 6 June 1996 concerning the development of the financial market and credit contracts;

(e) Article 3 of Central Bank decision No. 7548 dated 30 March 2000 concerning electronic financial and banking operations.

With respect to security and judicial procedures for the elimination of financing for terrorism, pursuant to the Lebanese laws and regulations in force and the international agreements to which Lebanon is a party, attention should be drawn to the following:

(a) Lebanon has cooperated and coordinated with other countries in respect of the implementation of judicial decisions and the exchange of information with

Interpol offices and the general secretariat of the Council of Arab Ministers of Interior, with a view to uncovering operations undertaken by people who are present on Lebanese territory that are suspected of providing cover for the funding of terrorist activities by individuals or entities that feature on the consolidated list, using banks or financial institutions or via customs and borders.

(b) Pursuant to Council of Ministers decision No. 2 of 24 October 2002, a national anti-money-laundering coordination committee was established, with one of the Vice-Governors of the Central Bank as Chairman, and a membership comprising the secretary of the special investigative body, one member of the banking oversight body and one person nominated by the office of the public prosecutor, the Director-General of Customs and the Director-General of the Internal Security Forces. Liaison officers were appointed from the Internal Security Forces and the Customs Department, with a view to facilitating the interchange, under the supervision of the office of the public prosecutor, of local and foreign information on money-laundering between the security apparatuses undertaking investigations and the special anti-money-laundering investigative body. Those officers will also take action to establish a mechanism for the electronic interchange of such information on issues of joint concern related to money-laundering crimes as is permitted to be exchanged by the laws in force. It may subsequently be possible for that mechanism to uncover suspicious deals that provide cover for the financing of terrorist operations by the individuals and entities named on the consolidated list.

(c) A database has been established in the Interpol office, the anti-terrorism office and the anti-financial crime and money-laundering office, in order to gather information pertaining to terrorist elements, groups, movements and organizations, including the individuals and entities named on the consolidated list. Information has been exchanged with the Interpol offices in other Member States with a view to preventing the provision of facilities to such groups and in order to provide that information to the specialized bodies in other countries, upon demand.

(d) In accordance with the provisions of the Lebanese Penal Code, the security apparatus apprehends those who provide financing for terrorist crimes. The Code sanctions the crime of financing terrorism, considering that act as involvement in the commission of a terrorist crime. The relevant provisions are set forth in articles 219, 220 and 221 of the aforementioned Code.

(e) The Lebanese security apparatus, namely, the intelligence service within the military command, the information division within the Internal Security Forces, General Security and National Security, each carry out surveillance of suspect individuals and entities and observe their movements, in order to prevent them from establishing secret groups and recruiting members thereto, collecting funds or providing any support for terrorist acts undertaken within or beyond Lebanon. The preliminary investigations of the aforementioned security apparatus are undertaken under the supervision of the office of the public prosecutor, which provides legal guidance on the basis of the penal principles in force.

In fact, a group that was planning to establish an Al-Qaida cell in Lebanon was recently apprehended, as was noted in the response to question 5, and money intended to fund the cell was also seized. The attempt was foiled.

(f) On the basis of the legal and regulatory texts, the specialized body within the Ministry of the Interior and of Municipal and Rural Affairs monitors the use of

money and other financial resources collected by non-profit organizations including religious, charitable and cultural organizations, in order to ensure that they are not diverted to further any aims other than their avowed aims and, in particular, to fund terrorist operations. Article 7 of the law of associations promulgated in accordance with decree No. 10830 of 9 October 1962 provides that all groups must record their income and expenditure and provide an itemized account of the type and value of outgoings and make that record available to the relevant department upon demand.

Furthermore, the Ministry of the Interior and of Municipal and Rural Affairs, which is responsible for parties and groups in Lebanon, monitors the financial aspects of the activities of charities, cultural groups and legally authorized organizations, in accordance with the above-mentioned article of the law of associations. That article requires every licensed association, in January each year, to submit a list of the names of its members, a copy of its annual budget and its most recent final set of accounts. Failure or delay in doing so incurs a separate fine for each offence. Information must be provided on how money is collected and how it is expended for charitable and social purposes. Such monies may not be used to finance terrorist activities or to assist individuals or entities whose names appear on the consolidated list or any other persons who might in any way be connected with such individuals or entities.

We provided details of the monitoring of monies used by associations in the third report that we submitted to the Counter-Terrorism Committee on 31 March 2003.

(g) It should be noted that the Lebanese Government has approved two bills and referred them to the National Assembly for adoption and promulgation. They are currently being considered by the National Assembly Committee on Administration and Justice in conjunction with a committee of senior judges. The two bills concern the following:

(i) The amendment of article 315 of the Lebanese Penal Code, by appending to the last paragraph the following text: "Any person who deliberately provides, either directly or indirectly, funding for terrorism, terrorist operations or terrorist organizations, shall be liable to a term of hard labour of no less than three years and no more than seven years and to a fine the amount of which is not less than the sum that was involved and not more than three times that sum."

(ii) The amendment of law No. 318 of 20 April 2003 (anti-money-laundering), article 1, paragraph 5, to read as follows: "The crimes of theft or embezzlement of public or private property and the misappropriation thereof by fraudulent means are punishable under Lebanese law." The following shall also be added to article 1 of the same law: "7 — Financing or involvement in the financing of terrorism, terrorist acts or terrorist organizations."

Once the two bills have been fully considered, they will be submitted to the National Assembly for discussion and adoption.

(h) The Lebanese Customs Department, in coordination with the other security mechanisms, monitors the movement and entry to or exit from Lebanese territory of suspicious goods that could be used to help finance terrorist acts in order to further the interests of the individuals or entities that feature on the consolidated list or any other terrorist individuals or entities.

IV. Travel ban

15. Please provide an outline of the legislative and/or administrative measures, if any, taken to implement the travel ban.

Response:

(a) The various Lebanese agencies involved in counter-terrorism are cooperating in coordinated operations in the manner set forth below, in accordance with the laws in force, through the central office of the public prosecutor, which supervises all the public prosecution offices and security forces that work under its command as judicial police.

General security monitors the entry of foreigners through every Lebanese international border and verifies the authenticity of their documents. They have files on all fugitives and wanted persons, including those who feature on the consolidated list and for whom warrants have been issued. Documents may be verified and warrants executed, thereby preventing wanted persons or criminals from entering, transiting through or exiting from Lebanon.

The Directorate-General of the Internal Security Forces places great importance on coordination, supervised by the office of the public prosecutor, with Interpol, with a view to making full use of the information provided by that organization and by the security attachés of certain embassies concerning passports, travel documents and visas that have been lost or forged. That information can then be circulated to all land, air and sea border posts, enabling all those bearing such documents to be arrested, investigated and sent for trial. It is therefore difficult for any of the wanted persons whose names appear on the consolidated list, for whom warrants have been issued, to use forged documents in order to enter or depart from Lebanese territory.

(b) When a Lebanese passport is issued, certain substantiating documents must be submitted, including an identity card, proof of residence from the mayor and references. Administrative and judicial files are reviewed and the importance of thorough investigation is emphasized. In early 2003, the Directorate-General of Public Security within the Ministry of the Interior and of Municipal and Rural Affairs began issuing a new type of Lebanese passport with sophisticated international specifications and attributes which prevent the signature from being fraudulently altered and the passport used by anyone other than the person to whom it belongs.

As part of its duties and pursuant to Security Council resolution 1390 (2002), the Directorate-General of Public Security has adopted arrangements designed to deny entry to Lebanon of persons whom Interpol has requested should not be given leave to enter the country. The names in question have been circulated by the Ministry of Foreign Affairs and Emigrants to all land, air and sea border posts and Lebanese embassies abroad. As a result, no such person may be granted any type of entry permit by any Lebanese consulate or general security. The law promulgated on 10 July 1962 provided that entry to, residence in and exit from Lebanon should be so regulated as to prevent entry to the country other than through general security posts and that entrants should be in possession of the legal documents and visas and carry a passport bearing a transit visa or residence permit issued by the representative of Lebanon abroad or by public security. The Directorate-General of

Public Security has notified all land, sea and air border posts and departments to the effect that all persons mentioned on the consolidated list and for whom warrants have been issued are to be denied entry and that the aforementioned measures are to be taken in their regard. The Directorate-General also denies entry to persons whose States have placed their names on a list as suspected of terrorist activities.

16. **Have you included the names of the listed individuals in your national "stop list" or border checkpoint list? Please briefly outline steps taken and any problems encountered.**

Response:

Some aspects of this question were answered in our responses to questions 2 and 15, concerning the incorporation of the 1267 Committee's list within local lists.

The following should be noted:

The names of the individuals on the consolidated list that have been incorporated into the Lebanese authorities' local list of wanted persons are those of persons for whom an international warrant has been issued by the Interpol office and the general secretariat of the Council of Arab Ministers of Interior, containing full personal details of the wanted person and the crimes he has committed. In respect of some of the names on the consolidated list, for which red alerts were issued by Interpol, warrants have been drafted as a legal measure. Other persons, for whom the aforementioned authorities did not issue warrants, or of whom the foreign judicial authorities did not request the arrest in accordance with the normal procedure, have not been incorporated into the local list of wanted persons because the legal conditions necessary for such a measure have not been met.

The office of the public prosecutor is prepared, should any international warrant or arrest order concerning the remaining persons who are named on the consolidated list be issued by a foreign judicial authority and contain the basic information, namely, full personal particulars and the nature of the crime for which the arrest warrant has been issued, to do whatever is necessary and circulate a warrant in accordance with normal practice.

With respect to problems, the Ministry of the Interior and of Municipal and Rural Affairs has advised that the practice of giving only the first and last names of most of the individuals on the list, rather than their full particulars, namely, name of mother and father and date of birth, can lead to confusion at times. It would be useful if the names on the consolidated list could be provided in Arabic, in order to avoid any ambiguity.

17. **How often do you transmit the updated list to your border control authorities? Do you possess the capability of searching list data using electronic means at all your entry points?**

Response:

The lists of the Directorate-General of the Internal Security Forces, which controls border posts, is constantly updated, amendments being made using a sophisticated electronic system.

18. Have you stopped any of the listed individuals at any of your border points or while transiting your territory? If so, please provide additional information, as appropriate.

Response:

To date, no listed individual has been stopped.

19. Please provide an outline of the measures, if any, taken to incorporate the list in the reference database of your consular offices. Have your visa-issuing authorities identified any visa applicant whose name appears on the list?

Response:

We answered the first part of this question in our response to question 15. Lebanese consular offices abroad continually receive lists from the Directorate-General of the Internal Security Forces that include the names of wanted and suspicious persons, in accordance with normal procedure, and are directed to comply with the information contained therein. Through its permanent mission in New York, the Lebanese authorities keep the United Nations informed of any new developments concerning visa requests from those on the list.

V. Arms embargo

20. What measures, if any, do you now have in place to prevent the acquisition of conventional arms and weapons of mass destruction (WMD) by Usama Bin Laden, members of Al-Qaida organization and the Taliban and other individuals, groups, undertakings and entities associated with them? What kind of export control do you have in place to prevent the above targets from obtaining the items and technology necessary for weapons development and production?

Response:

Some parts of this question have been answered in our response to the request concerning resolution 1390 (2002), paragraph 2 (d), which is contained in the report submitted by Lebanon on 17 June 2002 to the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Afghanistan (S/AC.37/2002/65) in response to the Chairman's note dated 7 March 2002 (SCA/2/02(3)). Consideration may also be given to the legal guidelines governing the arms and ammunition trade in Lebanon to which reference is made in the response to question 21 below.

Furthermore, there are no WMD on Lebanese territory. The issue is continuously monitored by the security apparatus, both practically and from the point of view of intelligence, with a view to preventing any type of arms trade, even in small arms and the like.

Incidentally, while we stress that there are no WMD in Lebanon, we refer to the fact that the security arrangements adopted in the country require the following:

(a) The implementation of surprise, circumstantial security checks throughout Lebanese territory;

(b) The sustained, close surveillance of Palestinian refugee camps;

(c) The sustained surveillance of land and sea borders and elimination of all smuggling operations, using every possible material and technical facility;

(d) The subjection of all chemical substances, before they leave customs inspection centres at ports, airports and land borders, to laboratory analysis in order to ensure that they are legal and to establish their uses.

21. **What measures, if any, have you adopted to criminalize the violation of the arms embargo directed at Usama Bin Laden, members of Al-Qaida organization and the Taliban and other individuals, groups, undertakings and entities associated with them?**

Response:

It should be clarified from the outset that there are no specific laws in Lebanon that criminalize one particular group of people rather than another. The law is general and comprehensive in nature and applies to all. It is therefore not possible to respond to the question regarding measures adopted to criminalize the violation of the arms embargo directed at Usama Bin Laden, members of Al-Qaida organization and the Taliban and other individuals, groups, undertakings and entities associated with them. The only such measures are derived from general law and international agreements in force in Lebanon that concern the issue of arms, military materiel and counter-terrorism.

(a) The provisions of laws and international agreements:

A licence issued in advance by the relevant authority is required for buying and selling arms and ammunition in Lebanon, in accordance with the provisions of ordinance No. 137 of 12 June 1959 (arms and ammunition) and, in particular, article 3 thereof, which provides as follows: "No natural or legal person may carry out on Lebanese territory any form of manufacture or trade relating to any class of materiel, arms or ammunition without having first obtained a legal permit that shall be issued at the discretion of the Ministers of the Interior and National Defence."

Article 24 of the aforementioned law forbids any person from transporting or acquiring arms and ammunition unless in possession of a permit from the army supreme command, having satisfied specific conditions. The penalties to be imposed on offenders that are provided for in articles 72 and 77 of that law are a term of imprisonment of between six months and three years, a monetary fine and the confiscation of the arms, ammunition and materiel.

Article 17 of the ordinance referred to above made the import, export and re-export of military materiel, arms, ammunition and related spare parts subject to advance permission from the Ministry of Economy and Trade, with the approval of the Ministry of National Defence, the army supreme command and the Cabinet.

The provisions of the above-mentioned arms and ammunitions law are applicable to all persons on Lebanese territory and to Lebanese citizens wherever the crime was committed, pursuant to the principle of national sovereignty and the personal status specified in the Lebanese Penal Code.

Furthermore, article 6 of law No. 1958/1/11 concerning crimes against internal State security and terrorism provides as follows: "The penalty for the deliberate commission of or collusion in one of the crimes cited in this law or any other crime against the State involving the manufacture, purchase or possession of explosive or

inflammable materials or of toxic or incendiary products used in order to assemble or manufacture such materials, shall be a life sentence of hard labour.

Article 3, section 3, paragraph 1 of the Arab Agreement on Counter-Terrorism that was signed in Cairo and ratified by the Government of Lebanon provides as follows: "The States Parties hereto undertake to develop and strengthen systems relating to exposure of the transport, import, export, stockpiling and use of arms, ammunition, explosives and other means of aggression, slaughter and destruction and to measures for monitoring such means at customs and borders, with a view to preventing their movement between States Parties or to other States other than for clearly legitimate purposes."

(b) The arrangements adopted in implementation of those laws and international agreements:

The surveillance measures adopted by the security apparatus and the relevant departments at customs and air, land and sea border points make it very difficult to move arms from or through Lebanese territory on behalf of individuals or entities that are subject to the embargo and, in consequence, prevent those persons from obtaining materials that are covered by the sanctions regime. It should be noted, however, that some illegal dealings in arms take place in the Palestinian refugee camps that are scattered throughout Lebanon. Nevertheless, the matter remains restricted to individual acts and crimes, and the security authorities including, inter alia, the army and the internal security forces, control the entrances to those camps with a view to preventing the movement of arms from one place to another.

The investigations and surveillance operations that are undertaken by the Lebanese security apparatus, namely, the intelligence services of the armed forces, the internal security, general security and national security forces, each with their own remit, monitor the movements of suspicious entities and individuals, with a view to preventing them from carrying out any such illegitimate operations as the transportation and stockpiling of arms on behalf of terrorist persons or groups including Al-Qaida or the Taliban.

22. **Please describe how your arms/arms broker licensing system, if any, can prevent Usama Bin Laden, members of Al-Qaida organization and the Taliban and other individuals, groups, undertakings and entities associated with them from obtaining items under the established arms embargo.**

Response:

Some parts of this question were answered in our response to question 21 above.

The arms/arms broker licensing system is subject to the provisions of legislative decree No. 137 of 12 June 1959 and its amendments, which set forth the provisions governing the manufacture, acquisition and transport of arms and ammunition and the granting of licences. Those provisions include the following:

(a) With respect to the licensing of arms:

Pursuant to the law, licences for the acquisition or transport of military or hunting arms are subject to a number of conditions, including working conditions that make it necessary for the person requesting the licence to acquire and transport arms. The Lebanese security authorities are the judges of those conditions.

(b) With respect to the licensing of trade in arms:

Under the law, trade in arms is completely forbidden. Import permits are granted to certain traders who meet the conditions of the decree, at the discretion of the Ministers of National Defence and of the Interior and of Municipal and Rural Affairs. Such permits are for the import of military arms and ammunition for the sole use of the Lebanese armed forces, namely, the army, internal security, general security, State security and customs. Those forces take direct delivery of the goods at sea ports, airports or at land border points, whence they are taken to and deposited in their arsenals. Military small arms and heavy weaponry may therefore only be imported and exported on behalf of the security and military authorities pertaining to the Lebanese State, and may not be sold to private traders or to the general public.

With respect to explosives used in construction or development work, the purchase, storage conditions and transport thereof are subject to licence and to conditions imposed by the Ministers of National Defence and of the Interior and of Municipal and Rural Affairs.

23. **Do you have any safeguards that the weapons and ammunitions produced within your country will not be diverted/used by Usama Bin Laden, members of Al-Qaida organization and the Taliban and other individuals, groups, undertakings and entities associated?**

Response:

Pursuant to legislative decree No. 137 of 12 June 1959, there are in Lebanon no factories for the manufacture of any type of military arms or ammunition.

Six factories do exist for the production specifically of hunting arms. They are licensed by a decree issued by the Cabinet and are inspected in order to ensure that they comply with the laws in force on the conditions for manufacture, storage and sale regarding quantity and type. The import of the necessary gunpowder is subject to the approval of the Ministers of National Defence and of the Interior and of Municipal and Rural Affairs, and the material is inspected and subjected to laboratory analysis before it is removed from the port.

In Lebanon, trade in arms and ammunition is subject to legal conditions imposed by the State and to State monitoring. All infractions are sanctioned by regulations and laws.

Articles 314, 315 and 316 of the Lebanese Penal Code provide the penalties for those who commit acts of terrorism or establish groups for the purpose of carrying out such acts. As part of their duties, the Lebanese security authorities monitor entities and individuals that are suspected of supporting acts of terrorism within and beyond Lebanon. We have dealt with surveillance operations and measures in paragraph (b) of our response to question 21. The security departments of the Ministries of National Defence and of the Interior and of Municipal and Rural Affairs make good use of information and give the necessary directives to their sectors. Endeavours are coordinated with other departments and the information in their possession about certain persons is circulated to border posts. The Customs Department provides and is provided with information on arms smuggling operations, and there is constant, direct liaison between the security departments of the Ministry of the Interior and of Municipal and Rural Affairs and the security attachés of various foreign embassies in Lebanon.

VI. Assistance and conclusion

24. Would your State be willing or able to provide assistance to other States to help them implement the measures contained in the above-mentioned resolutions? If so, please provide additional details or proposals.

Response:

Lebanon is willing to provide assistance to other States by cooperating and coordinating with them and exchanging information, in accordance with national legal codes and the international agreements to which it is a party; and with Interpol, insofar as its material and technical resources permit, with a view to implementing the above-mentioned resolutions. It has no additional proposals in this regard, but expresses its desire to cooperate completely in preventing the spread of terrorism throughout the world, because of the threat that poses to peace and public security.

At the financial level, the special investigative body that is presided over by the Governor of the Central Bank cooperates with other specialized bodies in other countries in implementing the measures that are provided for in United Nations resolutions concerning Usama Bin Laden, members of Al-Qaida and the Taliban and all resolutions relating to terrorism, by providing them with the results of its investigations in Lebanon into the accounts of relevant persons and entities and the decisions that it reaches in that regard.

25. Please identify areas, if any, of any incomplete implementation of the Taliban/Al-Qaida sanctions regime, and where you believe specific assistance or capacity-building would improve your ability to implement the above sanctions regime.

Response:

There are only two areas in which the Taliban Al-Qaida sanctions regime may be implemented, the first of which is a system of pursuit and punishment after due process should individuals from those two terrorist organizations be arrested. This is what the Lebanese authorities have attempted: they have been successful in detaining certain elements related to Al-Qaida and have committed them for trial after exhaustive interrogation. The second area is connected to the financial investigation of the activities of individuals in those two terrorist organizations. The Lebanese authorities and, in particular the special independent investigative judicial body established pursuant to law No. 318 of 20 April 2001, concerning the eradication of money-laundering, has ordered the banking authorities concerned to freeze the assets of those individuals and waive banking confidentiality with respect to their accounts, with a view to preventing the circulation of money used for terrorism, and have kept the specialized local and international parties informed. The issue remains of the basic problem of the supply of sufficient information on the particulars of such wanted individuals, in order to permit the judicial authorities to undertake the necessary pursuit and circulate the judicial papers to the authorities for their arrest and committal to trial. If justice is not to be compromised, in some cases this matter constitutes an obstacle with respect to persons whose names and even nationalities are similar. We are open to all useful suggestions in this regard and to allow other countries to make use of any information we have.

26. **Please include any additional information you believe pertinent.**

Response:

Lebanon welcomes the continual updating of and amendments to the list, given that some of the names are not clear. It considers it appropriate that the list of names should also be provided in Arabic, in order to prevent any confusion. The relevant Lebanese authorities are ready to supply you with any new information on the issue of terrorism and financing for terrorism, in order to root out this scourge from the international community.